

ORDINANCE NO.2004-046

1       **AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF**  
2       **PALM BEACH COUNTY, FLORIDA, READOPTING, AS AMENDED,**  
3       **CHAPTER 17, ARTICLE V OF THE PALM BEACH COUNTY CODE,**  
4       **"THE PALM BEACH COUNTY ADULT ENTERTAINMENT CODE";**  
5       **PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR**  
6       **SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF**  
7       **LAWS AND ORDINANCES; PROVIDING FOR AN EFFECTIVE DATE.**  
8

9       **WHEREAS**, the Board of County Commissioners of Palm Beach County, Florida,  
10       adopted Ordinance 88-31, as amended by Ordinance 89-8, Ordinance 91-51 and  
11       Ordinance 99-18, the "Palm Beach County Adult Entertainment Ordinance"; and

12       **WHEREAS**, the Palm Beach County Adult Entertainment Ordinance, as  
13       amended, has been codified in Chapter 17, Article V, of the Palm Beach County Code,  
14       hereafter referred to as the "Adult Entertainment Code"; and

15       **WHEREAS**, the Board of County Commissioners wishes to readopt the Adult  
16       Entertainment Code in its entirety, as amended; and

17       **WHEREAS**, the Board of County Commissioners hereby exercises its authority  
18       to adopt this Ordinance pursuant to Chapter 125, Florida Statutes, thereby readopting  
19       Chapter 17, Article V of the Palm Beach County Code, as amended.

20       **NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY**  
21       **COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:**

22       **Part 1.** Chapter 17, Article V, the Palm Beach County Adult Entertainment Code,  
23       is hereby readopted in its entirety, as amended as follows:

24       **ARTICLE V. ADULT ENTERTAINMENT CODE**

25       **DIVISION 1. GENERALLY**

26       **Sec. 17-141. Title.**

27       This article shall be known and may be cited as the "Adult Entertainment Code."

28       **Sec. 17-142. Authority.**

29       This article is enacted pursuant to the county's home rule power, in the interest of the  
30       public health, peace, safety, morals, and general welfare of the people of the county;

Article VIII, Section 1(g) of the Florida Constitution; section 125.01(1)(o) and (w) of Florida Statutes 1987; and the authority of the county to regulate the sale and consumption of alcoholic beverages under the Twenty-first Amendment to the Constitution of the United States, as recognized by the Florida courts in *City of Daytona Beach v. Del Percio* and *Fillingim v. The State*.

Sec. 17-143. Jurisdiction.

This article shall be effective throughout the unincorporated areas of the county. This article shall be effective in municipalities unless the municipality opts out or shall be effective up to the extent of conflict with the municipal ordinance. Except for the sheriff's department and the county public health unit, within municipalities the respective municipal departments which regulate fire, building and zoning shall be responsible for the administration of this article as set out in section 17-162 below

Sec. 17-144. Findings of facts.

Based on the evidence and testimony presented at July 5, 1988, first reading at October 25, 1988, and at the public hearing November 15, 1988, and at the first reading October 5, 2004, and at the public hearing October 19, 2004, before the ~~b~~Board of ~~e~~County ~~e~~Commissioners, and on the findings incorporated in the following: "Final Report to the City of Garden Grove: The Relationship Between Crime and Adult Business Operations on Garden Grove Boulevard", October 1991; ~~United States Attorney General's Commission on Pornography (1986); "A Summary of a National Survey of Real Estate Appraisers Regarding the Effect of Adult Bookstores on Property Values," conducted by the Division of Planning, Department of Metropolitan Development, City of Indianapolis, January 1984; "Adult Entertainment Businesses in Indianapolis: An Analysis, conducted by the Department of Metropolitan Development, Division of Planning, February, 1984;~~ the "Study of the Effects of Concentration of Adult Entertainment Establishments in the City of Los Angeles," conducted by the Los Angeles City Planning Committee Department for the Los Angeles City Council, June 1977; the study conducted by the City of Austin, Texas; the Presentation to the Orange



1 County Commission” by the Metropolitan Bureau of Investigation (MBI) for the Ninth  
2 Judicial Circuit (Orlando area); the expert affidavit prepared for Palm Beach County by  
3 Eric Damian Kelly, PhD, FAICP; letter from Dale M. Tarvis, M.D; the “Analysis of  
4 Availability of Sites for Adult Entertainment in Palm Beach County” prepared for Palm  
5 Beach County by Duncan Associates, November 2003; and information from Tampa,  
6 Florida, detailing the effects of adult entertainment establishments in the Tampa area,  
7 the board hereby finds:

8 (1) Establishments exist or may exist within the county where books, magazines, motion  
9 pictures, prints, photographs, periodicals, records, novelties and/or devices which depict,  
10 illustrate, describe or relate to specified sexual activities are possessed, displayed,  
11 exhibited, distributed and/or sold.

12 (2) Establishments exist or may exist within the county:

13 a. Where the superficial tissues of one person are manipulated, rubbed, stroked,  
14 kneaded, and/or tapped by a second person, accompanied by the display or exposure  
15 of specified anatomical areas;

16 b. Where dancers, entertainers, performers or other individuals, who, for any form of  
17 commercial gain, perform or are presented while displaying or exposing any specified  
18 anatomical areas;

19 c. Where lap dancing occurs.

20 (3) The activities described in subsections (1) and (2) occur at establishments for the  
21 purpose of making a profit, and, as such, are subject to regulation by the county in the  
22 interest of the health, safety, morals and general welfare of the people of the county.

23 (4) The competitive commercial exploitation of such nudity and semi-nudity is adverse  
24 to the public's interest and the quality of life, tone of commerce, and total community  
25 environment in the county.

26 (5) The commercial exploitation of nudity and semi-nudity consists of the use of nude  
27 and semi-nude entertainment in connection with or for the promotion of the sale of  
28 goods or services, and the receipt of money by the person engaging in nude or semi-  
29 nude entertainment in exchange for or as consideration for nude or semi-nude  
30 performance by such individuals.

1 (6) The commercial exploitation of nude and semi-nude acts, exhibitions and nude  
2 entertainment frequently occurs at commercial establishments either selling or allowing  
3 consumption of alcoholic beverages on the premises.

4 (7) There is a direct relationship between the consumption of alcoholic beverages and  
5 the nude and semi-nude activities mentioned above, and an increase in criminal  
6 activities, moral degradation, and the disturbances of the peace and the good order of  
7 the community. The concurrences of these activities is hazardous to the health and the  
8 safety of those persons in attendance and tends to depreciate the value of adjoining  
9 property and harm the economic welfare of the community as a whole.

10 (8) The combination of the sale and consumption of alcoholic beverages with the  
11 performance of nude and semi-nude acts, exhibitions and entertainment is adverse to  
12 the public's interest and the quality of life, tone of commerce and total community  
13 environment in the county.

14 (9) In order to promote and preserve the public peace and good order and to safeguard  
15 the health, safety, morals and welfare of the community and the citizens thereof, it is  
16 necessary and advisable for the county to prohibit certain forms of nude and semi-nude  
17 acts, exhibitions, entertainment and commercial establishments at which alcoholic  
18 beverages are, or are available to be, sold or consumed

19 (10) In order to preserve the public peace and good order, and to safeguard the health,  
20 safety, morals and welfare of the community and citizens thereof, it is necessary and  
21 advisable to regulate and restrict the conduct of owners, operators, agents, employees,  
22 entertainers, performers, patrons, spectators and persons on the premises of the  
23 commercial establishment subject hereto.

24 (11) There is a direct relationship between the display or depiction of specified  
25 anatomical areas in subsection (2) and an increase in criminal activities, moral  
26 degradation and disturbances of the peace and good order of the community, and the  
27 concurrences of these activities is hazardous to the health and safety of those persons  
28 in attendance and tends to depreciate the value of adjoining property and harm the  
29 economic welfare of the community as a whole. These secondary effects are adverse  
30 to the public's interest and quality of life, tone of commerce and total community



environment in the county.

(12) When the activities described in subsections (1) and (2) are presented in establishments within the county, other activities which are illegal, immoral or unhealthful tend to accompany them, concentrate around them, and be aggravated by them. Such other activities include but are not limited to prostitution, solicitation for prostitution, lewd and lascivious behavior, possession, distribution and transportation of obscene materials, sale or possession of controlled substances, and violent crimes against persons and property.

(13) When the activities described in subsections (1) and (2) are present in establishments within the county, they tend to blight neighborhoods, adversely affect neighboring businesses, lower property values, foster an atmosphere which promotes crime, particularly the kinds detailed in subsection (7) and ultimately lead residents and businesses to move to other locations.

(14) Physical contact within establishments at which the activities described in subsections (1) and (2) occur between employees exhibiting specified anatomical areas and customers poses a threat to the health of both and may lead to the spread of communicable and social diseases.

(15) In order to preserve and safeguard the health, safety, morals and general welfare of the people of the county, it is necessary and advisable for the county to regulate the conduct of owners, managers, operators, agents, employees, entertainers, performers and customers at establishments where the activities described in subsections (1) and (2) occur.

(16) The potential dangers to the health, safety, morals and general welfare of the people of the county from the activities described in subsections (1) and (2) occurring at establishments without first obtaining a license under this article are so great as to require the licensure of such establishments prior to their being permitted to operate

(17) "Lap dancing" does not contain any element of communication, and is therefore conduct rather than expression.

(18) "Lap dancing" in establishments poses a threat to the health of the participants and promotes the spread of communicable and social diseases.

1 (19) The county commission finds that sexually oriented business is frequently used for  
2 unlawful and unhealthy sexual activities, including prostitution and sexual liaison of a  
3 casual nature.

4 (20) The concern over sexually transmitted diseases is a legitimate health concern of  
5 the county which demands reasonable regulations of sexually oriented businesses in  
6 order to protect the health and well-being of the citizens.

7 (21) Licensing is a legitimate reasonable means of accountability to ensure that  
8 operators of sexually oriented businesses comply with the reasonable regulations within  
9 this article and the locational requirements of Article 4, Chapter B, Section 1.A.2 of the  
10 Unified Land Development Code, as may be amended from time to time ~~section 500.34~~  
11 ~~of the Zoning Code [appendix F]~~, and to ensure that operators do not knowingly allow  
12 their establishments to be used as places of illegal sexual activity or solicitation.

13 Sec. 17-145. Rules of construction.

14 This article shall be liberally construed to accomplish its purpose of licensing, regulating  
15 and dispersing adult entertainment establishments. Rules of construction of section 1-2  
16 of the Palm Beach County Code shall govern.

17 Sec. 17-146. Purpose.

18 It is the intent of the board of county commissioners in adopting this article to establish  
19 reasonable and uniform regulations that will reduce the adverse secondary effects adult  
20 entertainment establishments have upon the residents of the county and protect the  
21 health, safety, morals and general welfare of the people of the county.

22 Sec. 17-147. Definitions.

23 In this article, unless the context suggests otherwise, [the following terms are defined]:

24 (1) Adult arcade: Any place or establishment operated for commercial gain which invites  
25 or permits the public to view adult material. For purposes of this article, "Adult arcade"  
26 is included within the definition of "adult theater."



(2) Adult Bookstore/adult video store: an establishment which sells, offers for sale, or rents adult material for commercial gain and which meets either of the following two criteria:

a. More than thirty percent (30%) of the gross public floor area is devoted to adult material; or

b. More than thirty percent (30%) of the stock in trade consists of adult material.

~~(2) Adult bookstore/adult video store: An establishment which sells or offers adult material for sale or rent for commercial gain, unless the establishment demonstrates either:~~

~~a. The adult material is accessible only by employees and the gross income from the sale or rental of adult material comprises less than forty (40) percent of the gross income from the sale or rental of goods or services at the establishment; or~~

~~b. The individual items of adult material offered for sale or rental comprise less than ten (10) percent of the individual items, as stock-in-trade, publicly displayed in the establishment and which is not accessible to minors at the establishment.~~

(3) Adult booth: A small enclosed or partitioned area inside an adult entertainment establishment which is:

a. Designed or used for the viewing of adult material by one (1) or more persons; and

b. Is accessible to any person, regardless of whether a fee is charged for access.

The term "adult booth" includes but is not limited to a "pee show" booth, or other booth used to view "adult material." The term "adult booth" does not include a foyer through which any person can enter or exit the establishment, or a restroom.

(4) Adult dancing establishment: An establishment, including an establishment selling, serving or allowing consumption of alcoholic beverages, where employees display or expose specified anatomical areas to others, regardless of whether the employees actually engage in dancing.

(5) Adult entertainment establishment:

a. Any adult arcade, adult theater, adult bookstore/adult video store, adult motel or adult dancing establishment; or any other establishment or business operated for commercial

1 gain where any employee, operator or owner exposes his/her specified anatomical area  
2 for viewing by patrons, including but not limited to massage establishments, whether or  
3 not licensed pursuant to Chapter 480, Florida Statutes, tanning salons, modeling  
4 studios, or lingerie studios.

5 b. Excluded from this definition are any educational institutions where the exposure of  
6 specified anatomical areas is associated with a curriculum or program

7 c. An establishment that possesses an adult entertainment license is presumed to be  
8 an adult entertainment establishment.

9 (6) Adult material: Any one (1) or more of the following, regardless of whether it is new  
10 or used:

11 a. Books, magazines, periodicals or other printed matter; photographs, films, motion  
12 pictures, video cassettes, slides, or other visual representations; recordings, other audio  
13 matter; and novelties or devices; which have as their primary or dominant theme subject  
14 matter depicting, exhibiting, illustrating, describing or relating to specified sexual  
15 activities or specified anatomical areas; or

16 b. Instruments, novelties, devices or paraphernalia which are designed for use in  
17 connection with specified sexual activities.

18 (7) Adult motel: A hotel, motel or similar commercial establishment which offers  
19 accommodations to the public for any form of consideration; provides patrons with  
20 closed-circuit television transmissions, films, motion pictures, videocassettes, slides, or  
21 other photographic reproductions which are characterized by the depiction or description  
22 of "specified sexual activities" or "specified anatomical areas"; and has a sign visible  
23 from the public right-of-way which advertises the availability of this adult type of  
24 photographic reproductions.

25 (8) Adult theater: An establishment operated for commercial gain which consists of an  
26 enclosed building, or a portion or part inereof, or an open-air area used for viewing of  
27 adult material. "Adult motels," "adult arcade," "adult booth" and "adult motion picture  
28 theater" are included within the definition of "adult theater." An establishment which has  
29 "adult booths" is considered to be an "adult theater."

30 (9) Adult video store: See "Adult bookstore"



1 (10) Alcoholic beverage: A beverage containing more than one (1) percent of alcohol by  
2 weight, including but not limited to beer and wine.

3 a. It shall be prima facie evidence that a beverage is an alcoholic beverage if proof  
4 exists:

5 1. The beverage in question was or is known as whiskey, moonshine whiskey, shine,  
6 rum, gin, tequila, vodka, scotch, scotch whiskey, brandy, beer, malt liquor, or by any  
7 other similar name or names; or

8 2. The beverage was contained in a bottle or can labeled as any of the above names,  
9 or a name similar thereto, and the bottle or can bears the manufacturer's insignia, name  
10 or trademark.

11 b. Any person who, by experience in the handling of alcoholic beverages, or who by  
12 taste, smell/or drinking of such alcoholic beverages has knowledge of the alcoholic  
13 nature thereof, may testify as to his opinion about whether such beverage is an alcoholic  
14 beverage.

15 (11) Board: The board of county commissioners of Palm Beach County, Florida.

16 (12) Code: The adult entertainment code.

17 (13) Commercial gain: Operated for pecuniary gain, which shall be presumed for any  
18 establishment which has received an occupational license. For the purpose of this code,  
19 operation for commercial or pecuniary gain shall not depend on actual profit or loss.

20 (14) Commercial establishment: Any business, location or place which conducts or  
21 allows to be conducted on its premises any activity for commercial gain.

22 (15) Conviction: A determination of guilt resulting from plea or trial, regardless of  
23 whether adjudication was withheld or whether imposition of sentence was suspended.

24 (16) Department: The fire department, health department, sheriff, or the zoning and  
25 building divisions of the planning, zoning and building department, including the  
26 respective directors, employees, and agents thereof.

27 (17) Educational institution: A premises or site upon which there is an institution of  
28 learning, whether public or private, which conducts regular classes and/or courses of

1 study required for accreditation by or membership in the State Department of Education  
2 of Florida, Southern Association of Colleges and Secondary Schools, or the Florida  
3 Council of Independent Schools. The term "educational institution" includes a premises  
4 or site upon which there is a day care center, nursery school, kindergarten, elementary  
5 school, junior high school, senior high school; professional institution or an institution of  
6 higher education, including a community college, junior college, or four-year college or  
7 university; libraries, art galleries and museums open to the public; or any special  
8 institution of learning. However, the term "educational institution" does not include a  
9 premises or site upon which there is a vocational institution operated for commercial  
10 gain.

11 (18) Employee: Any person who works in an adult entertainment establishment,  
12 irrespective of whether the person is paid a salary or wage by the owner or manager of  
13 the premises. "Employee" shall also include any person who pays any form of  
14 consideration to an owner or manager of an adult entertainment establishment for the  
15 privilege to work within the establishment. An employee does not include a person on  
16 the premises of an adult entertainment establishment for the purpose of repair or  
17 maintenance of the premises or equipment on the premises, or for the delivery of goods  
18 to the premises.

19 (19) Establishment: The site or premises on which the adult entertainment establishment  
20 is located, including the interior of the establishment, or portion thereof, upon which  
21 certain activities or operations are being conducted for commercial gain.

22 (20) Featured performer: A person who does not perform at an adult entertainment  
23 establishment on a routine or regular basis and who is advertised as a "guest,"  
24 "featured," or other such performer.

25 (21) Inspector: A respective employee of the county sheriff's department; county public  
26 health unit; county planning, zoning and building department; or officers of the county  
27 fire-rescue department, who are authorized pursuant to this code to inspect licensed  
28 premises.

29 (22) Lap dance, also known as a "straddle dance," "face dance," or "flash dance,"  
30 means the use by an employee, whether clothed or partially or totally nude, of any part



1 of his or her body to touch, massage, rub, stroke, caress, or fondle the genital or pubic  
2 area of a person while at the establishment, or the touching of the genital or pubic area  
3 of any employee by a person while at the establishment. It shall be a "lap dance"  
4 regardless of whether the "touch" or "touching" occurs while the employee is displaying  
5 or exposing any specified anatomical area. It shall also be a "lap dance" regardless of  
6 whether the "touch" or "touching" is direct or through a medium.

7 (23) Licensed premises: See "Establishment."

8 (24) Licensee: Any person whose application for an adult entertainment establishment  
9 has been granted and who totally or partially owns, operates or controls the  
10 establishment.

11 (25) Occupational licensing department means the occupational licensing department  
12 within the county tax collector's office, a separate constitutional office from the county  
13 commission.

14 (26) Operator: Any person who engages or participates in any activity which is  
15 necessary to or which facilitates the operation of an adult entertainment establishment,  
16 including but not limited to the licensee, manager, owner, doorman, bouncer, bartender,  
17 dancer, disc jockey, sales clerk, ticket taker, movie projectionist, or supervisor.

18 (27) Performer: An employee, agent or independent contractor of an adult entertainment  
19 establishment who exposes his or her specified anatomical areas within said  
20 establishment.

21 (28) Person includes, but is not limited to, an individual(s), firm(s), association(s), joint  
22 venture(s), partnership(s), estate(s), trust(s), business trust(s), syndicate(s), fiduciary(s),  
23 corporation(s), and all other or any other similar entity.

24 (29) Principal stockholder: Any person, as defined in subsection (23) above, who owns  
25 or controls, legally or beneficially, ten (10) percent or more of a corporation's capital  
26 stock and is involved in the establishment's daily business operations, and includes the  
27 officers and directors. If no stockholder of a corporation owns or controls, legally or  
28 beneficially, at least ten (10) percent of the capital stock, all stockholders shall be  
29 considered principal stockholders if they are involved in the establishment's daily

1 business operations. And, if a corporation is registered with the Securities and Exchange  
2 Commission, or pursuant to chapter 517, Florida Statutes (1987), and its stock is for  
3 sale to the general public, it shall not be considered to have any principal stockholders

4 (30) Private performance: The display or exposure of any specified anatomical area by  
5 an employee at an adult entertainment establishment to a person other than another  
6 employee while the person is in an area within the establishment not accessible during  
7 such display to all other persons in the establishment, or while the person is in an area  
8 in which the person is totally or partially screened or partitioned during such display from  
9 the view of all persons within the establishment.

10 (31) Public safety department: The Palm Beach County Public Safety Department.

11 (32) Specified anatomical areas:

12 a. Less than completely and opaquely covered:

13 1. Human genitals and pubic region; or

14 2. The opening between the human buttocks, i.e. the anal cleft; or

15 3. That portion of the human female breast encompassed within an area falling below  
16 the horizontal line one would have to draw to intersect a point immediately above the top  
17 of the areola; this definition shall include the entire lower portion of the female breast,  
18 but shall not include any portion of the cleavage of the human female breast exhibited  
19 by a dress, blouse, shirt, leotard, bathing suit, or other wearing apparel, provided the  
20 areola is not so exposed; or

21 b. Human male genitals in a discernibly turgid state, even if completely and opaquely  
22 covered.

23 (33) Specified criminal act:

24 a. A criminal violation of this code; or

25 b. Any felony; or

26 c. An offense under chapter 794, Florida Statutes (Sexual Battery); or

27 d. An offense under chapter 796, Florida Statutes (Prostitution); or

28 e. An offense under chapter 800, Florida Statutes (Lewdness; Indecent Exposure); or



- f. An offense under chapter 826, Florida Statutes (Bigamy; Incest); or
- g. An offense under chapter 847, Florida Statutes (Obscene Literature; Profanity); or
- h. An offense under chapter 831, Florida Statutes (Forgery; Counterfeiting); or
- i. An offense under chapter 337, Florida Statutes (Perjury); or
- j. An offense under chapter 843, Florida Statutes (Obstructing Justice); or
- k. An offense under chapter 849, Florida Statutes (Gambling); or
- l. An offense under chapter 893, Florida Statutes (Drug Abuse Prevention and Control); or
- m. An offense under chapter 895, Florida Statutes (Racketeering; Illegal Debts); or
- n. An offense under chapter 896, Florida Statutes (Offenses Related to Financial Transactions); or
- o. An offense under an analogous statute of a state other than Florida, or under an analogous ordinance of another county or city.

(34) Specified criminal offense means:

- a. A conviction under section 60.05, Florida Statutes (Nuisance Abatement); or
- b. A conviction under section 480.043, section 480.046, section 480.047, section 480.048 or section 480.049 (Florida Statutes), or subsequent regulation; or,
- c. A conviction under chapter 561 (Beverage Law; Administration) or chapter 562 (Beverage; Enforcement), Florida Statutes; or
- d. A judgment against or conviction under chapter 823 (Public Nuisances), Florida Statutes.

(35) Specified sexual activities means:

- a. Human genitals in a state of sexual stimulation, arousal or tumescence; or
- b. Acts of human anilingus, bestiality, buggery, cunnilingus, coprophagy, coprophilia, feilation, flagellation, masochism, masturbation, necrophilia, pederasty, pedophilia, sadism, sadomasochism, sexual intercourse, or sodomy; or
- c. Fondling or other erotic touching of human genitals, pubic region, buttock, anus, or

1 female breast; or

2 d. Excretory functions as part of or in connection with any of the activities set forth in  
3 subsections a through [and] b.

4 (36) Work identification card. An identification card issued by the public safety  
5 department to a performer in an adult entertainment establishment.

6 Sec. 17-148 Regulation of obscenity subject to state law.

7 It is not the intent of the board to legislate with respect to matters of obscenity. These  
8 matters are regulated and preempted by state law.

9 Sec 17-149. Regulation of massage establishments subject to state law.

10 It is not the intent of the board to legislate, limit or conflict with respect to matters of  
11 massage establishments which are regulated by state agency, the department of  
12 professional regulation, board of massage, and by state law, chapter 480, Florida  
13 Statutes.

14 Sec. 17-150. Land development code approval.

15 No application for a license as provided in division 2 of this article shall be approved until  
16 the appropriate provisions of the Palm Beach County Zoning Code [appendix F] or  
17 similar municipal zoning ordinance have been complied with, the required zoning  
18 approval obtained, and the respective zoning official officially notifies the occupational  
19 licensing department of compliance.

20 Sec. 17-151. Penalty.

21 In sections 17-182 and 17-183 and division 4 of this article where no specific penalties  
22 are provided and (1) any act is prohibited, or is made or declared to be unlawful, or an  
23 offense, or (2) whenever in this article the doing of any act is required or the failure to  
24 do any act is declared to be unlawful, the violation of any such provision of this article  
25 shall be punished as provided in section 125.69, Florida Statutes, or its successor. Each  
26 day any violation of any provision of this article shall continue shall constitute a separate



1 offense, unless otherwise provided.

2 Sec. 17-152. Appeals.

3 (a) Authorized. An aggrieved person has the right to immediately appeal denial of a work  
4 identification card, denial of a license application, or revocation or suspension of a  
5 license to the Circuit Court in the Fifteenth Judicial Circuit of the State of Florida in  
6 accordance with the procedure and within the time provided by the Florida Rules of  
7 Appellate Procedure. ~~An appeal to the circuit court must be filed within thirty (30) days~~  
8 ~~of the mailing of the written notice of denial, revocation or suspension by the public~~  
9 ~~safety department or the occupational licensing department.~~

10 (b) Notice. Any notice required under this code shall be accomplished by sending a  
11 written notification by certified mail, returned receipt requested, to the mailing address  
12 set forth on the application for the work identification card or the application for the  
13 license, whichever is applicable. This mailing address shall be considered the correct  
14 mailing address unless the occupational licensing department of the county tax  
15 collector's office or the public safety department has been otherwise notified of a new  
16 address in writing by certified mail, return receipt requested, by the licensee or person  
17 requesting the work identification card. The licensee or person requesting the work  
18 identification card shall have the burden of proving that the occupational licensing  
19 department or the public safety department received the new address.

20 (c) Immunity from prosecution. The county or any department shall be immune from  
21 prosecution, civil or criminal, for reasonable, good-faith trespass upon an adult  
22 entertainment establishment while acting within the scope of its authority under this  
23 code.

24 (d) Powers of board. The board, sheriff or state attorney may bring suit in the circuit  
25 court to restrain, enjoin or otherwise prevent the violation of divisions 3 and 4 of this  
26 article

27 Sec. 17-153. Work identification card.

1 (a) Work identification card required. Any person desiring to perform in an adult  
2 entertainment establishment must obtain a work identification card from the public safety  
3 department, and no person shall act as a performer, as defined in this Code, in an adult  
4 entertainment establishment without having previously obtained said work identification  
5 card. A featured performer, as defined in section 17-147, is exempt from the provisions  
6 of this section.

7 (b) Penalty. Any performer, as defined in this Code, who violates this section shall be  
8 guilty of a misdemeanor of the second degree.

9 (c) Application for work identification card. An application for a work identification card  
10 shall be obtained from and submitted to the public safety department. The applicant  
11 shall provide information as requested by the public safety department to enable said  
12 department to grant or deny the issuance of the work identification card. An application  
13 for a work identification card shall be fully completed according to the instructions on the  
14 application form, which shall require the following information:

15 (1) The applicant's name and any other names (including "stage" names) or aliases  
16 used by the applicant;

17 (2) The applicant's date of birth;

18 (3) The applicant's height and weight;

19 (4) A photograph of the applicant, taken by the public safety department to be affixed  
20 to the work identification card;

21 (5) The applicant's present residence address and telephone number;

22 (6) The applicant's Social Security number; and

23 (7) Proof that the applicant is at least eighteen (18) years old by submittal of two (2) of  
24 the following:

25 a. Original birth certificate;

26 b. Original passport or visa which includes date of birth;

27 c. Original driver's license;

28 d. Original Florida ID card;



1 e. Any other original photo ID which includes the applicant's social security number or  
2 date of birth.

3 (d) False statement or false information in applying for a work identification card. It shall  
4 be unlawful for any person applying for a work identification card to make a false  
5 statement or otherwise provide false information which is intended to facilitate the  
6 issuance of same.

7 (e) Fees. The applicant shall submit a nonrefundable fee of twenty-five dollars (\$25.00)  
8 with each application for a work identification card. The applicant shall submit a  
9 nonrefundable fee of five dollars (\$5.00) for each duplicate work identification card.

10 (f) Issuance of work identification card. The public safety department is responsible for  
11 verifying all information contained on an application for a work identification card. Upon  
12 determining that the work identification card should be issued, the public safety  
13 department shall immediately render a work identification card to the applicant. Said  
14 work identification card shall include the applicant's name, photograph, and card  
15 number. Should the public safety department determine that the proof submitted with  
16 the application for the work identification card as required hereinabove is not  
17 satisfactory, the public safety department shall deny issuance of said work identification  
18 card and shall provide written notification to the applicant stating the reason(s) for any  
19 such denial.

20 (g) Retention of work identification card. All persons required pursuant to this Code to  
21 obtain a work identification card shall keep same on their person or with their personal  
22 belongings at all times while performing at an adult entertainment establishment. The  
23 adult entertainment establishment shall retain a photocopy of all work identification  
24 cards issued to performers performing at said establishment. Work identification cards  
25 and photocopies of work identification cards shall be made available to the public safety  
26 department for inspection upon reasonable notice and at reasonable times.

27 (h) Appeal. In the event that an applicant for a work identification card is denied, said  
28 applicant may request emergency injunctive relief from the Circuit Court of the Fifteenth  
29 Judicial Circuit of the State of Florida. Due to the overriding public interest in not having

1 minors perform in adult entertainment establishments, no provisional work identification  
2 cards shall be issued by the public safety department.

3 (i) Transfer of work identification card prohibited. A work identification card shall not be  
4 transferred from one person to another; however, the person to whom the work  
5 identification card was issued may utilize same in any and all licensed adult  
6 entertainment establishments.

7 (j) Alteration of work identification card prohibited. It shall be unlawful for any person to  
8 alter or otherwise change the contents of a work identification card without the written  
9 permission of the public safety department.

10 (k) Requirement of managers, owners, and operators to verify work identification cards  
11 of performers. No person managing, owning or operating an adult entertainment  
12 establishment shall permit, employ, or otherwise allow any person to perform at said  
13 establishment unless such person has a valid work identification card issued in  
14 accordance herewith.

15 (l) Requirement of managers, owners, and operators for featured performers. Persons  
16 managing, owning, or operating an adult entertainment establishment may allow  
17 featured performers, as defined hereinabove, to perform in said establishment without  
18 a work identification card. However, any person managing, owning or operating an adult  
19 entertainment establishment shall verify that any featured performer performing in said  
20 adult entertainment establishment is eighteen (18) years of age or older. Upon discovery  
21 that a minor is performing as a featured performer in an adult entertainment  
22 establishment, the person managing, owning or operating said adult entertainment  
23 establishment shall be subject to criminal prosecution and may be prosecuted by the  
24 county attorney or the state attorney and punished as provided by Florida Statutes, §  
25 125.69. Upon conviction of such violation, the prosecuting officials shall notify the  
26 occupational licensing department of said conviction.

27 (m) Violations subject to criminal prosecution. Any performer who violates subsection  
28 (a) of this section may be prosecuted by the state attorney and punished as provided  
29 by Florida Statutes, § 125.69. Upon conviction of such violation, the prosecuting officials  
30 shall notify the public safety department and the occupational licensing department, if



1 applicable of said conviction.

2 (n) Violation subject to civil prosecution. Any owner, manager or operator of an adult  
3 entertainment establishment who violates the provisions of subsections (g) and (k) of  
4 this section may be prosecuted by the county attorney or the code enforcement division  
5 of the county's planning, zoning and building department as provided in Palm Beach  
6 County Ordinance No. 90-45, as amended. Upon conviction of such violation, the  
7 prosecuting officials shall notify the occupational licensing department of said conviction.

8  
9 Secs. 17-154--17-160. Reserved.

## 10 DIVISION 2. LICENSING PROVISIONS

11 Sec. 17-161. Adult entertainment license.

12 (a) No adult entertainment establishment shall be permitted to operate without first  
13 having been issued an adult entertainment license by the occupational licensing  
14 department pursuant to this code.

15 (b) Adult entertainment licenses referred to in this code shall be licenses limited to the  
16 following classifications:

17 (1) Adult bookstore/adult video store; or

18 (2) Adult theater (adult arcade, adult booth and adult motel are considered an adult  
19 theater); or

20 (3) Adult dancing establishment.

21 (c) An adult entertainment license for a particular adult entertainment establishment  
22 shall be limited to one (1) classification of license.

23 (d) An adult entertainment establishment may hold more than one (1) classification of  
24 adult entertainment license.

1           Sec. 17-162. Administration

2           The ultimate responsibility for the administration of this code is vested in the board.  
3           Several departments have been delegated responsibility pursuant to the provisions  
4           outlined in this code:

5           (1) Upon formal notification by the departments in paragraphs (2) through (6) below, that  
6           a license shall be issued, granted, denied, renewed, suspended, revoked or canceled  
7           as set out in this Code, the occupational licensing department shall then issued the  
8           official notice of the grant, denial revocation, renewal, suspension and cancellation of  
9           the adult entertainment licenses for existing or proposed adult entertainment  
10          establishments in both incorporated and unincorporated areas of the county.

11          (2) The sheriff is responsible for verifying information contained on an application for an  
12          adult entertainment license, and for inspecting any proposed, licensed or nonlicensed  
13          establishment in the county in order to ascertain whether it is in compliance with  
14          applicable criminal statutes and ordinances, and for enforcing applicable criminal  
15          statutes and ordinances, including those set forth in divisions 2, 3 and 4 of this article.

16          (3) The county public health unit is responsible for the periodic inspections of licensed  
17          premises and any proposed establishment in order to ascertain whether it complies with  
18          or is complying with division 3 of this article and all applicable health codes, statutes,  
19          ordinances and regulations in effect in the county.

20          (4) The building division of the planning, zoning and building department in the  
21          unincorporated area of the county is responsible for inspecting any proposed  
22          establishment for which a license is being applied for in order to ascertain whether it  
23          complies with or is complying with division 3 of this article and all applicable building  
24          codes, statutes, ordinances and regulations in effect in the county. The respective  
25          building official shall compare and certify that all aspects of the submitted floor plan, site  
26          plan and certified survey accurately depict the actual structure, and comply with the  
27          provisions of this Code.

28          (5) The county fire rescue department in the unincorporated area of the county is  
29          responsible for the inspection of licensed premises or any proposed establishment to



ascertain whether it complies with or is complying with division 3 of this article and all applicable fire codes, statutes, ordinances and regulations in effect in the county.

(6) The zoning division of the planning, zoning and building department in the unincorporated area of the county is responsible for ascertaining whether a proposed establishment for which a license is being applied for complies with section 17-150, the applicable portions of division 3 of this article, and all applicable zoning regulations in effect in the county, and whether a licensed establishment is complying with section 17-150, and division 3 of this article, and all applicable zoning regulations and land use laws in effect in the county.

(7) In those incorporated areas which opt to regulate pursuant to this article, the city manager/administrator shall provide to the occupational licensing department the designation of municipal departments and contact persons for the municipality who have been delegated the responsibilities outlined in paragraphs (4) through (6) above in the provisions of this code.

#### Sec. 17-163. Application.

(a) Filing. Any person desiring to operate an adult entertainment establishment shall file with the occupational licensing department a sworn license application on a standard application form supplied by the occupational licensing department.

(b) Contents. The application shall contain the following information and shall be accompanied by the following documents:

(1) If the application is:

- a. An individual, his legal name any aliases, and date of birth,
- b. A partnership, the full and complete name of the partnership, and the legal names, dates of birth, and all aliases used by of all partners—dates of birth, and all aliases used by all of the partners involved in the daily business operations of the establishment. whether the partnership is general or limited and, if in existence, a copy of the partnership agreement; or
- c. A corporation, the exact and complete corporate name the date of its incorporation,

1 evidence that the corporation is in good standing, the legal names and dates of birth,  
2 and all aliases used, the capacity of all officers, directors and principal stockholders,  
3 and, if applicable, the name of the registered corporate agent and the address of the  
4 registered office for service of process; and

5 (2) If the applicant intends to conduct the establishment under a name other than that  
6 of the applicant, the applicant shall state the establishment's fictitious name and the  
7 county of registration under section 865 09, Florida Statutes, all legal names, dates of  
8 birth, and all aliases used by all interested persons; and

9 (3) Whether the applicant or any of the other individuals listed pursuant to subparagraph  
10 (1) above has (1) had a previous license under this code suspended or revoked, as well  
11 as the date of the suspension or revocation, and (2) whether the applicant has been a  
12 partner in a partnership or an officer, director or principal stockholder of a corporation  
13 whose license under this code has previously been suspended or revoked, including the  
14 name and location of the establishment for which the license was suspended or  
15 revoked, as well as the date of the suspension or revocation; and

16 (4) Whether the applicant or any other individuals listed pursuant to subparagraph (1)  
17 above holds any other licenses under this code and, if so, the names and locations of  
18 such other licensed establishments; and

19 (5) The single classification of license for which the applicant is filing; and

20 (6) The location of the proposed establishment, including a legal description of the  
21 property site, and a legal street address, and

22 (7) The applicant's mailing address; and

23 (8) A site plan and certified survey drawn to appropriate scale of the proposed  
24 establishment indicating but not limited to all property lines, rights-of-way, and the  
25 location of buildings, parking areas and spaces, curb cuts, and driveways and shall state  
26 and indicate on the survey that the distance and locational requirement of section  
27 500.31 of the Zoning Code [appendix F] have been satisfied; and

28 (9) A floor plan drawn to appropriate scale of the proposed establishment indicating, but  
29 not limited to:



1 a. All windows, all doors, all entrances and exits; and

2 b. All fixed structural interior features, including but not limited to doors, walls, stages,  
3 partitions, projection booths, admission booths, adult booths, concession booths,  
4 stands, counters and similar structures; and

5 c. All proposed improvements or enlargements to be made, which shall be indicated and  
6 calculated in terms of percentage of increase in floor size; and

7 (10) The petition number of the adopted zoning resolution approving the use, or the  
8 circumstances in support of a claim the use has a valid nonconforming status; and

9 (11) List the name and phone number of the person for the building division to contact  
10 to schedule the inspection; and

11 (12) List the phone number of the existing or proposed establishment; and

12 (13) A notarized, signed and sworn statement that the information within the application  
13 is truthful, independently verifiable and complete.

14 (c) Copies.

15 (1) In addition to the requirement of subsection (b) above, the applicant shall supply a  
16 minimum of six (6) copies of the application, or more as may be required, to the  
17 occupational licensing department.

18 (2) An application shall not be considered complete until the application satisfies the  
19 requirements of subsection (b) and paragraph (1) above.

20 (d) Application fee. Each application shall be accompanied by a nonrefundable fee of  
21 five hundred dollars (\$500.00) to defray the costs of processing and investigating of the  
22 application. If the application for a license is approved and a license is granted, half of  
23 the application fee shall be applied as a credit towards the annual license fee required  
24 for the first year pursuant to section 17-167(f) of this article

25 (e) Rejection of application. In the event the occupational licensing department is  
26 notified by one of the departments listed in section 17-162(2)--(6) above, that the  
27 applicant has not satisfied the application requirements for a proposed establishment,  
28 the applicant shall be notified of such fact within the time specified herein with a detailed

list of reasons; and the application shall be automatically denied.

Sec. 17-164. Investigation of application.

(a) Upon receipt of an application properly filed with the occupational licensing department and upon payment of the nonrefundable application fee, the occupational licensing department shall send the attached photocopies of the application to the sheriff, fire rescue, county health unit, and the appropriate building and zoning/planning officials. Each department shall promptly conduct an investigation of the applicant, application and the proposed establishment in accordance with its responsibilities outlined in division 3. At the conclusion of its investigation, each department shall indicate on the photocopy of the application whether the application satisfies each requirement of this code, date it, and sign it.

(b) A department shall deny an application if it finds that the proposed establishment will be in violation of any provision of division 3 of this article, or of any building, fire, health or zoning statute, code, ordinance or regulation. If the application fails to satisfy this code or any other code, the department shall specifically state its reasons on a separate letter attached to the photocopy of the application.

Sec. 17-165. Review.

(a) The departments shall conduct and complete an investigation of the application within twenty-one (21) days from receipt of the application (day 21).

If a provision of this code, including general building, fire, or health codes, are found to be in violation, the respective department shall immediately notify the occupational licensing department of the violation by marking the application as rejected state the reasons and offer suggestions for correction.

Upon receipt of a rejected application from any reviewing agency, the occupational licensing department shall promptly send the applicant a copy of the rejected application from the agency. Upon receipt of comments by all reviewing agencies, the occupational licensing department shall send the applicant a letter of license denial if a license has



1       been rejected by any agency, or shall notify the applicant by letter that the license has  
2       been approved for issuance upon payment of appropriate license fees.

3       All communications regarding approval or denial shall be issued by and through the  
4       occupational licensing department. Any statements issued directly or independently by  
5       the review departments shall not be deemed to create a reliance or estoppel situation  
6       as to the provisions of this code.

7       (b) The occupational licensing department shall issue or deny an application for an adult  
8       entertainment license within thirty (30) days from the date of the filing of a complete  
9       application. Upon the expiration of the thirty-day period, the applicant may demand a  
10      license and begin operating the establishment for which a license is sought, unless and  
11      until the occupational licensing department notifies the applicant of a denial of the  
12      license application and states the reasons for the denial.

13      The date of the proper filing of the application shall be the date the applicant furnishes  
14      the fully completed and sworn application and the required number of copies.

15      (c) If the application has satisfied the requirements of this code, the occupational  
16      licensing department shall notify the applicant and issue the license to the applicant  
17      upon payment of the appropriate annual license fee provided in section 17-167(f), with  
18      credit as provided in section 17-163(c).

19      (d) The occupational licensing department shall deny the application upon notification  
20      by one of the departments which:

21      (1) Finds the application violates or fails to meet the provisions of this code;

22      (2) States the application contains material false information;

23      (3) States the applicant or any of the other individuals listed pursuant to section 17-170  
24      has a license under this code which has been suspended or revoked; or

25      (4) States the granting of the application would violate a statute or ordinance, or an order  
26      from a court of law which effectively prohibits the applicant from obtaining an adult  
27      entertainment license.

28      Sec. 17-166. Establishment existing on effective date.



1 (a) Operators of adult entertainment establishments existing and operating on the  
2 effective date of this article [January 3, 1989] shall make an application for license  
3 hereunder, complete with all required information and the required number of copies,  
4 within sixty (60) days of the effective date. After completion of the application, the  
5 establishment shall be permitted to operate until October 1, 1989, pending issuance of  
6 the license or until the application for license is denied, whichever comes first.

7 (b) Notwithstanding subsection (a) above, every adult theater in existence at the  
8 effective date of this article shall comply with the structure requirements in section 17-  
9 183(a) below, prior to February 4, 1989.

10 (c) Notwithstanding subsection (a) above, every adult dancing establishment in  
11 existence at the effective date of this article shall comply with the structure requirements  
12 in section 17-183(b) below, prior to July 3, 1989.

13 (d) Every existing adult entertainment establishment must satisfy all requirements of this  
14 code prior to the issuance of the license, particularly the general requirements of section  
15 17-181 and the structural requirements of section 17-183.

16 (e) If an application for license is denied, the operation of an existing adult entertainment  
17 establishment shall cease within ten (10) business days of receipt of notice. Operation  
18 without a valid license is subject to the provisions of section 17-191 of this article.

19 (f) If an operator of an existing and operating adult entertainment establishment at the  
20 effective date of this article fails to receive an adult entertainment license pursuant to  
21 this code by October 1, 1989, operation of the establishment shall cease. Operation  
22 without a license after October 1, 1989, is subject to the provisions of section 17-191 of  
23 this article. (g) Pursuant to section 17-150, every existing adult entertainment  
24 establishment shall present proof of a special exception or of its legal nonconforming  
25 zoning status to the zoning division or respective municipality prior to issuance of the  
26 license.

27 (h) Any conviction for violation of this code, including but not limited to violations which  
28 occur between the effective date and when the existing establishments obtain an adult  
29 entertainment license, as outlined in subsection (a) of this section shall be considered

1 and applied to the suspension provisions outlined in section 17-170

2 (i) Except for the above provisions, all the provisions of this article shall apply to such  
3 licensees.

4 Sec. 17-167. License.

5 (a) Contents. An adult entertainment license shall state on its face the name of the  
6 licensee the business, local residential and legal domiciliary residential address of the  
7 licensee, the name of the establishment, the street address of the establishment, the  
8 classification(s) of the license, the date of application, the application number, the date  
9 of license issuance, and the date of license expiration.

10 (b) Term. All licenses issued under this code shall be annual licenses which shall  
11 commence running on October 1, on which date they shall have been paid for, and shall  
12 expire on September 30 of the following year. If a license is issued after October 1, but  
13 by March 31, of the following year, the applicant shall pay the prorated license fee. If a  
14 license is issued after March 31, but by October 1 of the same year, the applicant shall  
15 pay one-half the appropriate license fee.

16 (c) Renewal. Licenses shall be entitled to renewal annually subject to the provisions of  
17 this code. Prior to the October 1 expiration date, the annual license may be renewed by  
18 presenting the license for the previous year and by paying the appropriate license fee.

19 (d) Expiration. A license shall expire for failure to obtain in hand a renewal pursuant to  
20 this code by October 1. An expired license may be renewed by November 30 of the  
21 same year upon:

22 (1) Presentment of an affidavit stating that the establishment has not been operated as  
23 an adult entertainment establishment subsequent to expiration;

24 (2) The payment of the appropriate license fee; and

25 (3) Payment of a penalty of ten (10) percent of the appropriate license fee for the month  
26 of October and if renewed after October 31, an additional penalty of five (5) percent of  
27 the appropriate license fee for the month of November, and each successive month.

28 (e) Cancellation. All expired licenses not renewed by November 30 shall be canceled



1 summarily by the occupational licensing department unless such license is involved in  
2 litigation. The applicant may reapply for an adult entertainment license. Upon the  
3 payment of the application fee, satisfaction of the application requirements, and  
4 payment of the license fee, operation of the adult entertainment establishment may  
5 again occur.

6 (f) Annual license fees. The following are the annual license fees under this code for an  
7 adult entertainment establishment:

8 (1) An establishment having a license for an adult bookstore/adult video store, eight  
9 hundred dollars (\$800.00).

10 (2) An establishment having a license for an adult theater, as follows:

11 a. Having adult booths, forty dollars (\$40.00) for each booth; or

12 b. Having a hall or auditorium, five dollars (\$5.00) for each seat; or

13 c. Having an area outdoors designed to permit viewing by customers seated in vehicles,  
14 five dollars (\$5.00) for each parking space.

15 (3) Adult motel, eight hundred dollars (\$800.00).

16 (4) An establishment having a license for an adult dancing establishment, two thousand  
17 dollars (\$2,000.00).

18 (5) Having a combination of (1), (2)a, b, c, (3) and/or (4), the cumulative license fee  
19 applicable to each under (1), (2)a, b, c, (3) and (4).

20 (6) Other adult establishment/establishments meeting the definition of adult  
21 entertainment establishment in section 17-147(5)a but not fitting in categories listed  
22 above in paragraphs (1) through (5) of this subsection, eight hundred dollars (\$800.00).

23 (7) The annual license fees collected under this code are declared to be regulatory fees  
24 which are collected for the purpose of examination and periodic inspection of adult  
25 entertainment establishments pursuant to this code and the administration thereof.  
26 These regulatory fees are in addition to and not in lieu of the occupational license fees  
27 imposed by other sections of the County Code.

28 (8) The fees shall be based upon the information contained in the license application.



1 subject to verification, by inspection, by the building division and sheriff.

2 (9) The fee schedule contained in paragraphs (1) through (6) may be revised pursuant  
3 to resolution adopted by the board when necessary to ensure the fees cover the costs  
4 of administering and enforcing this article.

5 (g) Distribution of fees.

6 (1) The occupational licensing department shall be responsible for the collection of the  
7 application and annual license fees pursuant to this code.

8 (2) The distribution of the application fees to the various departments to defray costs of  
9 the implementation of this article shall be made pursuant to resolution adopted by the  
10 board. The distribution may be revised by resolution when necessary to ensure the  
11 distribution of fees covers the costs of the respective departments for the application  
12 procedures.

13 (3) The distribution of the annual license fees shall be made pursuant to resolution  
14 adopted by the board. The distribution may be revised by resolution when necessary to  
15 ensure the distribution of fees covers the costs of the respective departments for the  
16 implementation, enforcement and compliance review of the regulations of this code.

17 Sec. 17-168. Transfer of license.

18 (a) A licensee shall not transfer his license to another person, or thereby surrender  
19 possession, control and operation of the licensed establishment to such other person.

20 (b) A licensee shall not transfer his license to another location.

21 (c) Any attempted transfer of a license either directly or indirectly in violation of this  
22 section is hereby declared void, and the license shall be deemed abandoned, and the  
23 license shall be forfeited.

24 Sec. 17-169. Changed name.

25 No licensee may change the name of an adult entertainment establishment unless and  
26 until he satisfies each of the following requirements.

1 (1) Gives the occupational licensing department thirty (30) days' notice in writing of the  
2 proposed name change;

3 (2) Pays the occupational licensing department a twenty-five dollar (\$25.00) change-of-  
4 name fee; and

5 (3) Complies with section 865.09, Florida Statutes (1987)

6 Sec. 17-170. Enforcement.

7 (a) Suspension.

8 (1) Violation of Regulations In the event a licensed adult entertainment establishment  
9 is operating in violation of a building, fire, health or zoning statute, code, ordinance or  
10 regulation, whether federal, state or local, or the respective requirements of division 3  
11 of this article, the appropriate citing department shall promptly notify the code  
12 enforcement division who shall notify the licensee of the violation and shall allow the  
13 licensee a ten (10) business day period in which to correct the violation. If the licensee  
14 fails to correct the violation within the ten (10) business day period, the citing department  
15 shall notify the code enforcement division, who shall schedule a hearing before the code  
16 enforcement board. If the code enforcement board determines that a licensed  
17 establishment is in violation of a building, fire, health or zoning statute, code, ordinance  
18 or regulation, whether federal, state or local, or the respective general requirements of  
19 section 17-81, the code enforcement board shall notify the occupational licensing  
20 department, who shall forthwith suspend the license and shall notify the licensee of the  
21 suspension. The suspension shall remain in effect until the code enforcement division  
22 notifies the occupational licensing department in writing that the violation of the provision  
23 in question has been corrected. Nothing in this section shall take away any other  
24 enforcement powers of the code enforcement board or any other agency provided by  
25 the County Code or statute.

26 (2) Illegal Transfer Upon the formal notification by one of the departments that a  
27 licensee engaged in a license transfer contrary to section 17-168, the occupational  
28 licensing department shall officially suspend the license and notify the licensee of the

1 suspension. The suspension shall remain in effect until all of the requirements of this  
2 division have been satisfied and a new license is issued by the occupational licensing  
3 department.

4 (3) Violations of Divisions 3 and 4 of This Article.

5 a. In the event of two (2) or more convictions for violations of any of the rules and  
6 regulations within divisions 3 and 4 of this article within a two-year period, the  
7 occupational licensing department shall, upon notification of the date of the second  
8 conviction, suspend the license and notify the licensee of the suspension. The  
9 suspension shall remain in effect for a period of sixty (60) days.

10 b. In the event of one (1) or more convictions for violations of any of the rules and  
11 regulations of divisions 3 and 4 of this article occurs within a period of two (2) years from  
12 the date of the violation from which the conviction resulted for which the license was  
13 suspended for sixty (60) days under paragraph a above, the occupational licensing  
14 department shall, upon notification of the date of the first conviction, suspend the license  
15 again and notify the licensee of the suspension. The time during which the license was  
16 suspended for sixty (60) days shall not be included within the two-year period. The  
17 suspension shall remain in effect for a period of ninety (90) days

18 c. In the event of one (1) or more convictions for violations of any rule or regulation of  
19 divisions 3 and 4 of this article occurs within a period of two (2) years from the date of  
20 the violation from which the conviction resulted for which the license was suspended for  
21 ninety (90) days under paragraph b, the occupational licensing department shall, upon  
22 notification of the date of the first conviction, suspend the license again and notify the  
23 licensee of the suspension. The time during which the license was suspended for ninety  
24 (90) days shall not be included within the two-year period. The suspension shall remain  
25 in effect for a period of one hundred eighty (180) days.

26 d. The renewal of or new application for a license pursuant to this code shall not defeat  
27 the terms of this section.

28 (4) Effect of Suspension. If a license is suspended, all operations within the adult  
29 entertainment establishment shall cease for the period of the suspension, and the



1 license shall be suspended for the suspension period. The department of beverage shall  
2 be notified of the suspension, and no other person shall be allowed to operate an adult  
3 entertainment establishment at that location.

4 (5) Effective Date of Suspension. All periods of suspension shall begin fifteen (15) days,  
5 including Saturdays, Sundays and holidays, after the date the occupational licensing  
6 department mails the notice of suspension to the licensee or on the date the licensee  
7 surrenders its license to the occupational licensing department, whichever occurs first.

8 (b) Revocation.

9 (1) False Information. In the event it is learned or found, or upon sufficient cause that  
10 a license was granted based upon false information, misrepresentation of fact, or  
11 mistake of fact by the licensee or its agent, the respective department which has  
12 knowledge of the false information shall notify the occupational licensing department,  
13 which shall forthwith revoke the license and notify the licensee of the revocation.

14 (2) Convictions for Violations of Divisions 3 and 4 of This Article. In the event one (1) or  
15 more convictions for violations of division 3 or 4 of this article occurs within a period of  
16 two (2) years from the date of the violation from which the conviction resulted for which  
17 the license was suspended for a period of one hundred eighty (180) days pursuant to  
18 subsection (a)(4) of this section, the occupational licensing department shall forthwith  
19 revoke the license and notify the licensee of the revocation. The time during which the  
20 license was suspended for one hundred eighty (180) days shall not be included within  
21 the two-year period.

22 (3) Effect of Revocation. If a license is revoked, the licensee shall not be allowed to  
23 obtain another adult entertainment license for a period of two (2) years, and no license  
24 shall be issued during that time period to any other person for the location and premises  
25 upon which the adult entertainment establishment was situated.

26 (4) Effective Date. The revocation shall take effect fifteen (15) days including Saturdays,  
27 Sundays and holidays, after the date the occupational licensing department mails the  
28 notice of revocation to the licensee or on the date the licensee surrenders its license to  
29 the occupational licensing department, whichever occurs first.

1       Sec. 17-171. Records and reports; consent.

2       Each licensee shall keep such records and make such reports as may be required by  
3       the occupational licensing department and the departments to implement this code and  
4       to carry out its purpose.

5       Secs. 17-172--17-180. Reserved

6       DIVISION 3. REGULATORY PROVISIONS

7       Sec. 17-181. General requirements.

8       (a) Each adult entertainment establishment shall, regardless of whether it is licensed,  
9       observe the following general requirements:

10      (1) Conform to all applicable building statutes, codes, ordinances and regulations,  
11      whether federal, state or local; and

12      (2) Conform to all applicable fire statutes, codes, ordinances and regulations, whether  
13      federal, state or local; and

14      (3) Conform to all applicable health statutes, codes, ordinances and regulations, whether  
15      federal, state or local; and

16      (4) Conform to all applicable zoning regulations and land use laws, whether state or  
17      local, including but not limited to section 500.31, Zoning Code (locational restrictions);  
18      and

19      (5) Keep the adult entertainment license posted in a conspicuous place at the  
20      establishment at all times, which license shall be available for inspection upon request  
21      at all times by the public; and

22      (6) Opaquely cover each non-opaque area through which a person outside the  
23      establishment may otherwise see inside the establishment.

24      (b) This code, particularly the enforcement provisions shall not be construed to

1 supersede the other powers and duties of the departments listed in section 17-162. The  
2 independent powers of the departments, including but not limited to the building  
3 division's responsibility to close eminent hazards pursuant to chapter 7 of this Code of  
4 Laws and Ordinances or similar municipal duty, shall not be limited by this code.

5 Sec. 17-182. Prohibitions at establishments allowing alcoholic beverages

6 (a) Prohibition.

7 (1) No person or employee shall expose to public view his or her human genitals, pubic  
8 region, or opening between the human buttocks, i.e. the anal cleft, or any simulation  
9 thereof in any establishment selling, serving or allowing the consumption of alcoholic  
10 beverages.

11 (2) No person maintaining, owning or operating an establishment serving alcoholic  
12 beverages shall suffer or permit any person or employee to expose to public view his or  
13 her human genitals, pubic region, or opening between the human buttocks, i.e. the anal  
14 cleft, or any simulation thereof within the establishment selling, serving or allowing the  
15 consumption of alcoholic beverages.

16 (3) No person or employee shall engage in a private performance as defined in section  
17 17-147(26) and regulated in section 17-183(b)(2) in any establishment selling, serving  
18 or allowing the consumption of alcoholic beverages

19 (4) No person maintaining, owning or operating an establishment serving alcoholic  
20 beverages shall suffer or permit any person or employee to engage in a private  
21 performance as defined in section 17-147(26) and regulated in section 17-183(b)(2),  
22 within any establishment, selling, serving or allowing the consumption of alcoholic  
23 beverages.

24 (5) No person or employee anywhere in an establishment selling, serving or allowing  
25 consumption of alcoholic beverages, shall display specified anatomical areas except on  
26 a stage as described in section 17-183(b)(1), or on a portable platform a minimum of  
27 eight (8) inches and a maximum of twelve (12) inches in height and a minimum of  
28 eighteen (18) inches in diameter.



1 The height of a platform where a person displays specified anatomical areas shall be  
2 measured from the surface upon which patrons view the performance. In no event shall  
3 the patron be permitted to occupy the stage or platform where a person displays  
4 specified anatomical areas while a person displays specified anatomical areas.

5 (6) No person maintaining, owning or operating an establishment selling, serving, or  
6 allowing consumption of alcoholic beverages, shall suffer or permit any person to  
7 expose specified anatomical areas within the establishment except on a stage as  
8 described in section 17-183(b)(1) and on a portable platform a minimum of eight (8)  
9 inches and a maximum of twelve (12) inches in height and a minimum of eighteen (18)  
10 inches in diameter. The height of a platform where a person displays specified  
11 anatomical areas shall be measured from the surface upon which patrons view the  
12 performance. In no event shall the patron be permitted to occupy the stage or platform  
13 where a person displays specified anatomical areas while a person displays specified  
14 anatomical areas.

15 (7) Employees and operators of an adult entertainment establishment selling, serving,  
16 or allowing consumption of alcoholic beverages, shall not engage in any outdoor activity  
17 at the adult entertainment establishment which advertises, promotes, or encourages  
18 attendance at the adult entertainment establishment if such activity is visible outside the  
19 premises of the establishment.

20 (8) No person or employee shall engage in a lap dance anywhere in an adult  
21 entertainment establishment selling, serving, or allowing consumption of alcoholic  
22 beverages.

23 (9) No person maintaining, owning or operating an adult entertainment establishment  
24 selling, serving, or allowing consumption of alcoholic beverages, shall suffer or permit  
25 any person to engage in a lap dance within the establishment.

26 (10) No person or employee in an establishment selling, serving, or allowing  
27 consumption of alcoholic beverages, shall display specified anatomical areas, or any  
28 simulation thereof, unless such establishment has a valid adult entertainment license  
29 issued pursuant to this code.

1 (11) No person maintaining, owning or operating an establishment selling, serving, or  
2 allowing consumption of alcoholic beverages shall suffer or permit any person or  
3 employee to display specified anatomical areas, or any simulation thereof, unless such  
4 establishment has a valid adult entertainment license issued pursuant to this code.

5 Sec. 17-183 Supplementary requirements.

6 (a) Adult theater. In addition to the general requirements for an adult entertainment  
7 establishment contained in sections 17-183 and 17-184 above, an adult theater shall,  
8 regardless of whether it is licensed, observe the following special requirements:

9 (1) If the adult theater contains a hall or auditorium area, the area shall comply with each  
10 of the following provisions:

11 a. Have individual or separate seats, not couches, benches, beds or the like, to  
12 accommodate the maximum number of persons who may occupy the area; and

13 b. Have a continuous main aisle alongside of the seating areas in order that each  
14 person seated in the areas shall be visible from the aisle at all times; and

15 c. Have a sign posted in a conspicuous place at or near each entrance way to the hall  
16 or auditorium area which lists the maximum number of persons who may occupy the hall  
17 or auditorium area, which number shall not exceed the number of seats within the hall  
18 or auditorium area; and

19 d. Post an AIDS Crisis Sign on the side of the door which opens and allows patrons to  
20 enter the theater.

21 (2) If the adult theater contains adult booths, each adult booth shall comply with each  
22 of the following provisions:

23 a. Have a sign posted in a conspicuous place at or near the entrance way which states  
24 that only one (1) person may occupy the booth; and

25 b. Have a permanently open entrance way for each booth not less than two (2) feet eight  
26 (8) inches wide and not less than seven (7) feet high, which will never be closed or  
27 partially closed by any curtain, door or other partition which would be capable of wholly



1 or partially obscuring any person situated in the booth; no curtains, doors or other  
2 partitions shall be affixed, attached or connected to the permanently open entrance way  
3 of any booth, and

4 c. Have one (1) individual seat, not a couch, bench or the like; and

5 d. Have a continuous main aisle alongside the booth in order that each person situated  
6 in the booth shall be visible from the aisle at all times; and

7 e. Have, except for the open entrance way for each, for each booth walls or partitions  
8 of solid construction without any holes or openings in such walls or partitions; and

9 f. Post an AIDS Crisis Sign at the open entrance way to the adult booths; and

10 g. Provide and display to the public, at a place near the main entrance of the  
11 establishment, any information, brochures or pamphlets supplied by the county public  
12 health unit, that deal with AIDS or communicable diseases.

13 (3) If the adult theater is designed to permit outdoor viewing by a person(s) seated in  
14 automobiles, it shall have the motion picture screen so situated and the perimeter of the  
15 establishment so fenced or screened, that the adult material to be seen by those  
16 persons may not be seen from any public right-of-way or from surrounding properties.

17 (b) Adult dancing establishment. In addition to the general requirements for an adult  
18 entertainment establishment contained in sections 17-181 and 17-182 above, an adult  
19 dancing establishment shall, regardless of whether it is licensed, observe the following  
20 special requirements:

21 (1) A stage for the display or exposure of specified anatomical areas by any employee  
22 shall consist of a permanent platform (or other similar permanent structure) raised a  
23 minimum of eighteen (18) inches above the surrounding floor and encompassing an  
24 area of at least one hundred (100) square feet; and

25 (2) Any area in which a private performance occurs shall:

26 a. Have a permanently open entrance way not less than seven (7) feet wide and not less  
27 than seven (7) feet high, which entrance way will never be closed or partially closed by  
28 any curtain, door or other partition which would be capable of wholly or partially  
29 obscuring any person situated in the area; and



1 b. Have a wall-to-wall, floor-to-ceiling partition of solid construction without any holes or  
2 openings which partition may be completely or partially transparent and which partition  
3 separates the employee from the person viewing the display; and

4 c. Have, except for the entrance way, walls or partitions of solid construction without any  
5 holes or openings in such walls or partitions.

6 (3) In adult entertainment establishments which do not sell, serve or allow the  
7 consumption of alcoholic beverages, the exposure by any employee of human genitals,  
8 pubic region or opening between the human buttocks, i.e. the anal cleft, or any  
9 simulation, thereof, to public view shall be restricted to the stage required in subsection  
10 (b)(1) above and areas for private performances as specified in subsection (b)(2) above.

11 Nonemployees or patrons shall not be permitted closer than four (4) feet to the stage  
12 edge when any employees expose those anatomical areas listed in this subsection.

13 Secs. 17-184--17-190. Reserved.

#### 14 DIVISION 4. CRIMINAL PROVISIONS

15 Sec. 17-191. Operation of establishment without valid adult entertainment license.

16 It shall be unlawful for any person to operate or participate in the operation of an adult  
17 entertainment establishment when the person knows or should know.

18 (1) That the establishment does not have an adult entertainment license for the  
19 applicable classification, except as stated in section 17-166; or

20 (2) The application for a license pursuant to section 17-166 has been denied or was not  
21 issued prior to October 1, 1989; or

22 (3) That the establishment has a license which is under suspension; or

23 (4) That the establishment has a license which has been revoked or canceled; or

24 (5) That the establishment has a license which has expired.

1           Sec. 17-192. Violations of article.

2           (a) It shall be unlawful for any person to be an operator of an adult entertainment  
3           establishment which does not satisfy all of the general requirements of division 3 of this  
4           article.

5           (b) It shall be unlawful for any person to be an operator of an adult theater which does  
6           not satisfy all of the special requirements of section 17-183.

7           (c) It shall be unlawful for any person to be an operator of an adult dancing  
8           establishment which does not satisfy all of the special requirements of section 17-183.

9           Sec. 17-193. Allowing employees to engage in prohibited acts.

10          It shall be unlawful for an operator of an adult entertainment establishment, regardless  
11          of whether it is licensed under this code, to knowingly or with reason to know, permit,  
12          suffer or allow any employee:

13          (1) To engage in a lap dance with a person at the establishment; or

14          (2) To contract or otherwise agree with a person to engage in a lap dance with a person  
15          at the establishment; or

16          (3) Contract or otherwise agree with a person to engage in any specified sexual activity  
17          at the establishment; or

18          (4) To display or expose any specified anatomical area while simulating any specified  
19          sexual activity with any other person at the establishment, including with another  
20          employee; or

21          (5) To allow any person, excluding another employee, to touch any portion of the clothed  
22          or unclothed body of the employee below the neck and above the knee, excluding that  
23          part of the employee's arm below the wrist, commonly referred to as the hand; or

24          (6) To engage in a private performance unless such employee is in an area which  
25          complies with the special requirements of division 3; or

26          (7) To intentionally touch the clothed or unclothed body of any person at the adult  
27          entertainment establishment, excluding another employee, at any point below the neck

1 and above the knee of the person, excluding that part of the person's arm below the  
2 wrist, commonly referred to as the hand.

3 Sec. 17-194. Advertising prohibited activity

4 It shall be unlawful for an operator of an adult entertainment establishment, regardless  
5 of whether it is licensed under this code, to advertise the presentation of any activity  
6 prohibited by any applicable state statute or local ordinance.

7 Sec. 17-195. Specified criminal offense.

8 It shall be a violation of this code when the licensee or the licensed premises is  
9 convicted or is adjudged guilty of a specified criminal offense for activities that occurred  
10 at the establishment.

11 Sec. 17-196. Minors prohibited.

12 It shall be unlawful for an operator of an adult entertainment establishment, regardless  
13 of whether it is licensed under this code, to knowingly, or with reason to know, permit,  
14 suffer or allow:

- 15 (1) Admittance to the establishment of a person under eighteen (18) years of age; or  
16 (2) A person under eighteen (18) years of age to remain at the establishment; or  
17 (3) A person under eighteen (18) years of age to purchase goods or services at the  
18 establishment; or  
19 (4) A person to work at the establishment as an employee who is under eighteen (18)  
20 years of age.

21 Sec. 17-197. Working at establishment which does not have valid adult entertainment  
22 license.

23 It shall be unlawful for any person to work in an adult entertainment establishment that  
24 he or she knows or should know is not licensed under this code, except under the  
25 provisions of section 17-166, or which has a license which is under suspension, has



1           been revoked or canceled, or has expired.

2           Sec. 17-198. Engaging in prohibited activity

3           It shall be unlawful for any employee of an adult entertainment establishment,  
4           regardless of whether it is licensed under this code:

5           (1) To engage in a lap dance with a person at the establishment;

6           (2) To contract or otherwise agree with a person to engage in a lap dance with a person  
7           at the establishment; or

8           (3) To engage in any specified sexual activity at the establishment; or

9           (4) To engage in the display or exposure of any specified anatomical area while  
10          simulating any specified sexual activity with any other person at the establishment,  
11          including with another employee; or

12          (5) To engage in a private performance unless such employee is in an area which  
13          complies with the special requirements set forth in section 17-183(b)(2);

14          (6) To intentionally touch, while exposing specified anatomical areas, the clothed or  
15          unclothed body of any person at the adult entertainment establishment, excluding  
16          another employee, at any point below the neck and above the knee of the person,  
17          excluding that part of the person's arm below the wrist, commonly referred to as the  
18          hand; or

19          (7) To allow any person, excluding another employee, to touch any portion of the body  
20          of the employee exposing specified anatomical areas below the neck and above the  
21          knee, excluding that part of the employee's arm below the wrist, commonly referred to  
22          as the hand; and excluding touching the lower half of the thigh for the purpose of placing  
23          tips in a garter.

24          Sec. 17-199. Touching of employee by nonemployee.

25          It shall be unlawful for any person in an adult entertainment establishment, other than  
26          another employee, to intentionally touch the unclothed or clothed body of any employee  
27          at any point below the neck and above the knee of the employee, excluding that part of

1 the employee's arm below the wrist, commonly referred to as the hand.

2 Sec. 17-200. Exceeding occupancy limit of adult booth

3 It shall be unlawful for any person(s) to exceed the occupancy restrictions for an adult  
4 booth specified in section 17-183(a).

5 Sec. 17-201. Use of restrooms or dressing rooms.

6 (a) Notwithstanding any provision indicating to the contrary, it shall not be unlawful for  
7 any employee of an adult entertainment establishment, regardless of whether it is  
8 licensed under this code, to expose any specified anatomical area during the  
9 employee's bona fide use of a restroom, or during the employee's bona fide use of a  
10 dressing room which is accessible only and restricted to employees.

11 (b) The restrictions of division 3 and this division 4, including but not limited to sections  
12 17-193, 17-198, 17-199, also apply to all restrooms and dressing rooms.

13 (c) Notwithstanding any provision indicating to the contrary, it shall be not deemed  
14 unlawful for any person to expose any specified anatomical area during that person's  
15 bona fide use of a restroom

16 Sec. 17-202. Hours of operation.

17 (a) Except as provided in (c) below, it shall be unlawful for any operator of an adult  
18 entertainment establishment to allow such establishment to remain open for business,  
19 or to permit any employee to engage in a performance, solicit a performance, make a  
20 sale, solicit a sale, provide a service, or solicit a service, between the hours of 2:00 a.m.  
21 and 9:00 a.m. of any particular day.

22 (b) Except as provided in (d) below, it shall be unlawful for any employee of an adult  
23 entertainment establishment to engage in a performance, solicit a performance, make  
24 a sale, solicit a sale, provide a service, or solicit a service, between the hours of 2:00  
25 a.m. and 9:00 a.m. of any particular day.

26 (c) Any operator of an adult dancing establishment which is permitted to sell, serve or

1 allow the consumption of alcoholic beverages, pursuant to division 3 above, may remain  
2 open for business, or to permit an employee to engage in a performance, solicit a  
3 performance, make a sale, solicit a sale, provide a service, or solicit a service during the  
4 hours of operation outlined in section 3-2 of this Code.

5 (d) Any employee of an adult dancing establishment which is permitted to sell, serve, or  
6 allow the consumption of alcoholic beverages, pursuant to section 17-182 above, may  
7 engage in a performance, solicit a performance, make a sale, solicit a sale, provide a  
8 service, or solicit a service during the hours of operation outlined in section 3-2 of this  
9 Code.

10 Sec. 17-203. Alteration of license.

11 It shall be unlawful for any person to alter or otherwise change the contents of an adult  
12 entertainment license without the written permission of the occupational licensing  
13 department.

14 Sec. 17-204. False statement or false information in applying for license.

15 (a) It shall be unlawful for any person applying for an adult entertainment license to  
16 make a false statement which is intended to facilitate the issuance of a license, or to  
17 provide false information which is intended to facilitate the issuance of a license.

18 Sec. 17-205. Violations subject to criminal prosecution.

19 Whoever violates any section of sections 17-182, 17-183, and 17-191--17-204 of this  
20 article may be prosecuted by the county attorney, sheriff or state attorney and punished  
21 as provided by section 125.69, Florida Statutes (1985). Upon conviction for a violation  
22 of division 3 or this division 4, the prosecuting officials shall notify the occupational  
23 licensing department of the conviction, including the date of the violation.

24 Sec. 17-206. Violations subject to civil prosecution.

25 Whoever violates any subsection of section 17-181 of this article may be prosecuted by



1 the county attorney, sheriff and/or code enforcement division of the planning, zoning and  
2 building department before the code enforcement board and punished as provided in  
3 chapter 8.5.

4 Upon conviction for a violation of division 3 and this division 4, the prosecuting officials  
5 shall notify the occupational licensing department of the conviction, including the date  
6 of the violation.

7 Secs. 17-207--17-220. Reserved

8 **Part 2. Repeal of Laws in Conflict.**

9 All local laws and ordinances in conflict with any provisions of this Ordinance are  
10 hereby repealed to the extent of such conflict.

11 **Part 3. Severability.**

12 If any section, paragraph, sentence, clause, phrase, or word of this Ordinance is  
13 for any reason held by the Court to be unconstitutional, inoperative, or void, such holding  
14 shall not affect the remainder of this Ordinance.

15 **Part 4. Inclusion in the Code of Laws and Ordinances.**

16 The provisions of this Ordinance shall become and be made a part of the Code  
17 of Laws and Ordinances of Palm Beach County, Florida. The sections of this Ordinance  
18 may be renumbered or relettered to accomplish such, and the word "ordinance" may be  
19 changed to "section", "article", or other appropriate word

20 **Part 5. Effective Date.**

21 The provisions of this Ordinance shall become effective upon filing with the  
22 Department of State.

1                   **APPROVED and ADOPTED** by the Board of County Commissioners of Palm  
2 Beach County, Florida, on this the 19 day of October,  
3 2004.

4 **DOROTHY H. WILKEN, CLERK**

**PALM BEACH COUNTY, FLORIDA,  
BY ITS BOARD OF COUNTY  
COMMISSIONERS**

7 By: Linda C. Hickman  
8 Deputy Clerk

By: [Signature]  
Chair

9 **APPROVED AS TO FORM AND**  
10 **LEGAL SUFFICIENCY**

11 By: [Signature]  
12 County Attorney

13 **EFFECTIVE DATE:** Filed with the Department of State on the 25 day of  
14 October, 2004.

15 G:\WPDATA\ENVIR\Reilly\AdultEnt\Adult Ent Ordinance 2004 Final.wpd

45 STATE OF FLORIDA, COUNTY OF PALM BEACH  
I, DOROTHY H. WILKEN, ex-officio Clerk of the  
Board of County Commissioners certify this to be a  
true and correct copy of the original filed in my office  
on October 19, 2004.  
DATED at West Palm Beach, FL on 11/2/04.  
DOROTHY H. WILKEN, Clerk  
By: [Signature] D.C.